

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

WILLIAM D. HAMBY, JR.,

Plaintiff,

v.

NURSE SHEPPARD,

Defendant.

No. 3:19-CV-077-CLC-DCP

MEMORANDUM OPINION

This is a pro se prisoner's complaint for violation of 42 U.S.C. § 1983. Now before the Court is Plaintiff's motion to voluntarily dismiss this action [Doc. 59], in which he states that he seeks to dismiss this action because he does not have an attorney [*Id.* at 1]. Defendant has not filed a response thereto and her time for doing so has passed. E.D. Tenn. LR 7.1(a)(2). Thus, Defendant waived any opposition thereto. *Elmore v. Evans*, 449 F. Supp. 2, 3 (E.D. Tenn. 1976), *aff'd mem.* 577 F.2d 740 (6th Cir. 1978); E.D. Tenn. LR 7.2.

Accordingly, due to the lack of any opposition, Plaintiff's motion to voluntarily dismiss this action [Doc. 59] will be **GRANTED**. Also, the Court **CERTIFIES** that any appeal from this dismissal would not be taken in good faith.

AN APPROPRIATE ORDER WILL ENTER.

/s/

CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE